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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,657	12/16/2003	Frank R. Ripley	I095 I010.1	2850
26158	7590	03/28/2005	EXAMINER	
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC			ROSS, DANA	
P.O. BOX 7037			ART UNIT	
ATLANTA, GA 30357-0037			PAPER NUMBER	

3722

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,657

Applicant(s)

RIPLEY ET AL.

Examiner

Dana Ross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26 and 31 is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/16/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

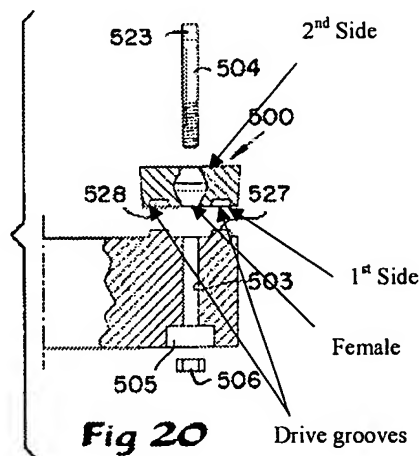
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,540,449 (Bejerstal et al., hereafter '449).

Regarding claim 27, '449 teaches a cutter body 500 (for example, see figure 20) with first and second sides (see figure 20 below); a centrally located female locating member formed in the cutter body first side with a throughbore extending along the cutter central axis and communicating with the female locating member (see figure 20 below, col. 6, lines 51-65, for example); a bolt 504 retained loosely in the throughbore (see figure 20); a plurality of circumferentially spaced-apart drive gooves (fig. 10 and 20, for example).



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Regarding claim 28, a ring 515 (or see 415) configured to retain the bolt in the throughbore (figures 18 and 20, for example).

Regarding claim 29, the throughbore is such that when the cutter body 500 is turned upside down from the view of figure 20, it is easy to see that there is nothing restraining the movement of the bolt such that the bolt is only inserted into the cutter body to the extent that there is no thread extending from the throughbore.

Regarding claim 30, as seen in figure 1, the cutter body includes tooth-like projections 12 that form a neck portion (central portion 14) on the side base of the cutter body that are spaced apart from a cutting head 13.

***Allowable Subject Matter***

3. Claims 1-26 and 31 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art of record neither anticipates nor renders obvious a milling cutting tool assembly (independent claim 1), the method of assembling a milling cutting tool (independent claim 12), milling cutting tool (independent claim 17), or a set of at least four milling cutting tool components including at least first and second adapters and a left handed cutter body and right handed cutter body (independent claim 31), specifically wherein the male and female locating members with threaded bores are as claimed in combination with the limitations of the independent claims.

The closest prior art of record found is US Pat. No. 6,540,449 (Bejerstal et al.) as is discussed in detail in the above claim rejection.

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Regarding claims 1, 12 and 17 and 31, '449 does not disclose the combination of limitations as claimed, particularly the adapter with a centrally located male locating member and provided with a threaded bore in a central portion thereof and the interaction of the male and female parts as claimed.

Therefore '449 does not anticipate the claimed invention of independent claims 1, 12, 17 or 31. Furthermore, there is no prior art either alone or in combination with '449 that would render obvious the claimed inventions, and no motivation found to modify '449 to obtain the claimed inventions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



dmr



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